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THE HECKER LAW GROUP  
1925 CENTURY PARK EAST  
SUITE 2300  
LOS ANGELES, CA 90067

EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/616,714

Applicant(s)

ANANDA, MOHAN

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other.

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## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the designation 1/8, 2/8, etc. included on the top of each drawing page is improper. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 4 uses the terminology "Vendor operator," applicant neither references nor provides an adequate explanation of this term.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Referring to Claim 3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Page 29, line 21 states

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"...transmitting payment to one or more merchants on behalf of said user," it is unclear if this is the same "merchant" referenced in independent claim 1. Also claim 3 contains grammatically incorrect punctuation, there should be an "and" between stated limitations, and the claim should end with a period.

Referring to Claim 5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Page 30, line 6 states "monitoring the information," it is unclear if this is the same "information" previously stated as "transaction information."

Referring to Claim 6. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Page 30, line 13 states "said information exchange," it is unclear if this is the same information previously stated as "transaction information."

Referring to Claim 7. Claim 7 recites the limitation "...providing the merchant list of items" in page 30, line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Page 30, line 21 states "user selection of merchant icons," it is unclear if this is the same "icons" previously stated as "displaying icons corresponding to said merchants."

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Referring to Claim 13. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Page 32, line 8 stats "said information exchange," it is unclear if this is the same "information" previously stated as "transaction information."

Referring to Claim 14. Claim 7 recites the limitation "...providing the merchant list of items" in page 32, line 14. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1-14 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ferguson, U.S. Patent No. 5,966,697.**

Referring to claims 1 and 8. Ferguson discloses a method equivalent to a method for providing secure electronic commerce transactions with multiple merchants (at least Abstract and Fig. 1) comprising:

- Establishing a secure communication link between at least one client computer system and a vendor computer system (at least Abstract and Fig. 1);
- Transmitting transaction information between said client and vendor computer systems enabling a user at said client computer system to select and purchase, via said vendor computer system, items listed in a merchant computer system by one or more merchants (at least column 11, line 36 to column 13, line 6);
- Establishing a secure communication link between a client computer system and a vendor computer system (at least Abstract and Fig. 1); and
- Transmitting transaction information between said client and said vendor computer systems enabling a user at said client computer system to obtain, via said vendor computer system, items listed in a plurality of merchant computer systems by one or more merchants (at least column 11, line 36 to column 13, line 6).

Referring to claims 2 and 9. Ferguson further discloses a method wherein said transmitting step further comprises:

- Generating a purchase order for said items to be supplied to said user by said one or more merchants (at least column 11, lines 15-26), said generating occurring after said user's selection of one or more items for purchase from said

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merchant computer systems via said vendor computer system (at least column 11, line 36 to column 13, line 6).

Referring to claim 3. Ferguson further discloses a method comprising:

- Obtaining payment from said user (at least column 5, line 3 to column 6, line 16 and column 12, line 45 to column 13, line 6); and
- Transmitting payment to one or more merchants on behalf of said user (at least column 5, line 3 to column 6, line 16 and column 12, line 45 to column 13, line 6).

Referring to claim 4. Ferguson further discloses a method wherein said payment is obtained by a vendor operator of said vendor computer system (at least column 5, lines 15-25).

Referring to claim 5. Ferguson further discloses a method wherein said step of transmitting transaction information further comprises:

- Monitoring the information exchange between said client computer and said merchant computer system at said vendor computer system to obtain said transaction information (at least column 9, line 28 to column 11, line 35).

Referring to claims 6 and 13. Ferguson further discloses a method comprising:

- Modifying responses from said merchant computer system to said client computer at said vendor computer system to route at least a portion of said information exchange through said vendor computer system (at least column 9, line 66 to column 10, line 48); and
- Modifying responses from at least one of said plurality of merchant computer systems to said client computer at said vendor computer system to route at least

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a portion of said information exchange through said vendor computer system (at least column 9, line 66 to column 10, line 48).

Referring to claims 7 and 14. Ferguson further discloses a method wherein said step of transmitting transaction information further comprises:

- Displaying icons corresponding to said merchants at said client computer for user selection (at least column 12, line 45 to column 13, line 6);
- Providing the merchant list of items from said merchant computer system to said user at said client computer via said vendor computer system, upon user selection of a merchant icon (at least column 12, line 45 to column 13, line 6);
- Displaying a merchant icon at said merchants at said client computer for user selection (at least column 12, line 45 to column 13, line 6); and
- Upon user selection of said merchant icon, providing the merchant list of items from at least one of said plurality of merchant computer systems to said user at said client computer via said vendor computer system (at least column 12, line 45 to column 13, line 6).

Referring to claim 10. Ferguson further discloses a method wherein a vendor of said vendor computer system forwards payments to said one or more merchants for the supplied items on behalf of said user (at least column 11, lines 15-26).

Referring to claim 11. The method of claim 10, wherein said user makes payment to said vendor for said supplied items (at least column 2, lines 16-61).

Referring to claim 12. The method of claim 9, wherein said vendor computer system is further configured to perform the steps of:



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- Monitoring the information exchange between said client computer and said plurality of merchant computer systems at said vendor computer system to obtain transaction information (at least column 10, line 49 to column 11, line 35).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blinn et al., U.S. Patent No. 5,897,622, Apr. 27, 1999; discloses an electronic shopping and merchandising system.

Egendorf, U.S. Patent No. 5,794,221, Aug. 11, 1998; discloses an Internet billing method.

DiAngelo et al., U.S. Patent No. 6,101,482, Aug. 8, 2000; discloses an universal web shopping cart and method of on-line transaction processing.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

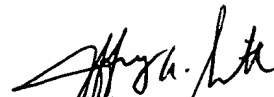
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MSG

8/7/02



JEFFREY A. SMITH  
PRIMARY EXAMINER